

LAND ACQUISITION AND STATE ASSISTANCE

Appropriation Language

For expenses necessary to carry out the Land and Water Conservation Act of 1965, as amended (16 U.S.C. 460l-4 through 11), including administrative expenses, and for acquisition of lands or waters, or interest therein, in accordance with the statutory authority applicable to the National Park Service, \$238,634,000, to be derived from the Land and Water Conservation Fund, to remain available until expended, to be for conservation spending category activities; of which \$160,011,000 is for the State assistance program, of which not to exceed \$4,011,000 is for the administration of this program: Provided, That none of the funds provided for the State Assistance program may be used to establish a contingency fund.

Note. – A regular 2003 appropriation for this account had not been enacted at the time the budget was prepared; therefore, this account is operating under a continuing resolution (P.L. 107-229, as amended). The amounts included for 2003 in this budget reflect the Administration's 2003 policy proposals.

Justification of Major Proposed Language Changes

1. Deletions: “and” “the”

Deletions are recommended for grammatical clarity.

2. Addition: “spending category “

The added words more properly identify the funding as belonging to the conservation spending category as defined by the referenced Act.

3. Deletion: “defined in section 250(c)(4)(E) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of such Act”

A new General Provision, Sec. 323, is proposed, applying this legal reference to all funding for “conservation spending category activities,” thus making it unnecessary to quote the reference in each Appropriation.

4. Deletion: “including \$50,000,000 for a Cooperative Conservation Program that provides competitively awarded grants to states for the purposes of restoration, protection, and enhancement of natural areas, as determined by the Secretary: *Provided*, That these purposes shall include but not be limited to: habitat protection, wetlands restoration, and riparian area protection: *Provided further*, That of the amounts provided under this heading for the State assistance program,”

This language is not needed since the Cooperative Conservation Program as described in FY 2003 language is not proposed for FY 2004.

5. Addition: “of which”

Wording is to clarify that the administration of the State assistance program is to be funded from the total of \$4,011,000 proposed for the program as a whole.

6. Deletion: “shall be available”

Addition: “is”

This substitution is proposed in order to indicate that the funding is for the exclusive purpose of administering the State assistance program.

7. Deletion: *“Provided further, That of the amounts provided under this heading, \$20,000,000 may be for Federal grants, including Federal administrative expenses, to the State of Florida for the acquisition of lands or waters, or interests therein, within the Everglades watershed (consisting of lands and waters within the boundaries of the South Florida Water Management District, Florida Bay and the Florida Keys, including the areas known as the Frog Pond, the Rocky Glades and the Eight and One-Half Square Mile Area) under terms and conditions deemed necessary by the Secretary to improve and restore the hydrological function of the Everglades watershed: Provided further, That funds provided under this heading for assistance to the State of Florida to acquire lands within the Everglades watershed are contingent upon new matching non-Federal funds by the State, or are matched by the State pursuant to the cost-sharing provisions of section 316(b) of Public Law 104-303, and shall be subject to an agreement that the lands to be acquired will be managed in perpetuity for the restoration of the Everglades::*

No funds are requested for this program in Fiscal Year 2004.

8. Addition: “Note. --- A regular 2003 appropriation for this account had not been enacted at the time the budget was prepared; therefore, this account is operating under a continuing resolution (P.L. 107-229, as amended). The amounts included for 2003 in this budget reflect the Administration's 2003 policy proposals.”

Addition of this note is needed to explain the source of figures used for Fiscal Year 2003, in the absence of an enacted appropriation.

Authorizing Statutes

16 U.S.C. 460I-4 to I-11 Land and Water Conservation Fund Act of 1965, as amended, establishes the Land and Water Conservation Fund, prescribes how funds are to be obtained and distributed. Authorizes certain activities with the common purpose of helping provide outdoor recreation resources; these include: inventory, evaluation, and classification of needs and resources; formulation of a comprehensive nationwide recreation plan; technical assistance to non-federal entities; encouragement of cooperation among states and federal entities; research and education.

16 U.S.C. 410r Everglades National Park Protection and Expansion Act of 1989 (P.L. 101-229) provides that “all funds made available pursuant to this subsection shall be transferred to the State of Florida or a political subdivision of the State, subject to an agreement that any lands acquired with such funds will be managed in perpetuity for the restoration of natural flows to the park or Florida Bay.”

Public Law 104-303 Water Resources Development Act of 1996 Section 316 requires that non-Federal funding make up a maximum of 25% of the cost of acquiring portions of the Frog Pond and Rocky Glades areas necessary to implement improvements related to the Everglades restoration program at Canal 111.

2 U.S.C. 9000(c)(4), The Balanced Budget and Emergency Deficit Control Act of 1985, as amended by Title VIII of Public Law 106-291, Department of Interior appropriations for FY2001, lists appropriations within which funding to preserve natural resources, provide for recreation, and related purposes constitutes ‘conservation spending category’

Appropriation Language
Land and Water Conservation Fund

(RESCISSION)

The contract authority provided for fiscal year [2002] 2003 by 16 U.S.C. 460 I-10a is rescinded.